

BOARD OF COUNTY COMMISSIONERS

Randy Ognio, Chairman
Charles W. Oddo, Vice Chairman
Edward Gibbons
Eric K. Maxwell
Charles D. Rousseau



FAYETTE COUNTY, GEORGIA

Steve Rapson, County Administrator
Dennis A. Davenport, County Attorney
Tameca P. Smith, County Clerk
Marlena Edwards, Chief Deputy County Clerk

140 Stonewall Avenue West
Public Meeting Room
Fayetteville, GA 30214

ACTION AGENDA

December 10, 2020

2:00 p.m.

Welcome to the meeting of your Fayette County Board of Commissioners. Your participation in County government is appreciated. All regularly scheduled Board meetings are open to the public and are held on the 2nd and 4th Thursday of each month at 6:30 p.m.

Call to Order

Chairman Randy Ognio called the December 10, 2020, Board of Commissioners meeting to order at 2:00 p.m. A quorum of the Board was present. Commissioner Charles Rousseau attended the meeting virtually via Microsoft Teams as allowed during the pandemic.

Invocation and Pledge of Allegiance by Commissioner Charles Rousseau

Commissioner Charles Rousseau offered the Invocation and led the Board and audience in the Pledge of Allegiance.

Acceptance of Agenda

Vice Chairman Oddo moved to accept the agenda as written. Commissioner Edward Gibbons seconded. The motion passed 5-0.

PROCLAMATION/RECOGNITION:

1. **Recognition of Commissioner Chairman Randy C. Ognio for eight (8) years of service on the Fayette County Board of Commissioners.**

Vice Chairman Oddo, on behalf of the Board, recognized Commissioner Chairman Randy C. Ognio for eight (8) years of service on the Fayette County Board of Commissioners.

2. **Presentation from Judge Jason B. Thompson regarding Fayette County's Accountability Court programs.**

Judge Jason B. Thompson provided the Board an updated Fayette County Accountability Court program presentation.

PUBLIC HEARING:

Community Development Director Pete Frisina read the Introduction to Public Hearings. Mr. Frisina stated the meeting was unique in that it was being held during a time declared as a State of Public Emergency due to COVID-19 (coronavirus). In the abundance of caution concerning the COVID-19 (coronavirus), the meeting would be livestreamed and the call-in number 770-305-5277 would be available for those who wanted to make public comment on any of the items during the public hearings portion of the meeting.

3. **Consideration of staff's recommendation to approve a new 2021 Retail Alcohol Beer and Wine License (C20-00657) for Edward Wyatt, doing business as South Fayette Station, which is located at 1552 Hwy 85 S, Fayetteville, Georgia 30215.**

Chairman Ognio moved to continue this item until the January 28, 2021 Board of Commissioners meeting. Commissioner Gibbons seconded. The motion passed 5-0.

4. Consideration of Petition No. 1297-20, Estate of Norma R. Simmons, Owner, and, Nancy S. Lindsey, Executor, Agent, request to rezone 5.651 acres from A-R to R-75 to develop two (2) residential lots; property located in Land Lot 9 of the 5th District and fronts on SR 92 South and McBride Road.

Vice Chairman Oddo moved to approve Petition No. 1297-20, Estate of Norma R. Simmons, Owner, and, Nancy S. Lindsey, Executor, Agent, request to rezone 5.651 acres from A-R to R-75 to develop two (2) residential lots; property located in Land Lot 9 of the 5th District and fronts on SR 92 South and McBride Road. Commissioner Gibbons seconded. The motion passed 4-1, with Commissioner Maxwell voting in opposition.

5. Consideration of Petitions 1298-20 A, B, C, D, E & F, R. Alexander Family Limited Partnership & Smith Living Trust, Owner, and, Trent Foster, Allegiance Development Group, LLC, request to rezone a total of 90.03 acres from A-R to R-50 for a residential subdivision; property located in Land Lot 104 of the 7th District and fronts on Dogwood Trail and Crabapple Lane.

Vice Chairman Oddo moved to approve Petitions 1298-20-A, R. Alexander Family Limited Partnership & Smith Living Trust, Owner, and, Trent Foster, Allegiance Development Group, LLC, request to rezone a total of 90.03 acres from A-R to R-50 for a residential subdivision; property located in Land Lot 104 of the 7th District and fronts on Dogwood Trail and Crabapple Lane with conditions as outlined below. Commissioner Gibbons seconded. The motion passed 5-0.

Commissioner Gibbons moved to approve Petitions 1298-20-B, R. Alexander Family Limited Partnership & Smith Living Trust, Owner, and, Trent Foster, Allegiance Development Group, LLC, request to rezone a total of 90.03 acres from A-R to R-50 for a residential subdivision; property located in Land Lot 104 of the 7th District and fronts on Dogwood Trail and Crabapple Lane with conditions as outlined below. Vice Chairman Oddo seconded. The motion passed 5-0.

Commissioner Gibbons moved to approve Petitions 1298-20-C, R. Alexander Family Limited Partnership & Smith Living Trust, Owner, and, Trent Foster, Allegiance Development Group, LLC, request to rezone a total of 90.03 acres from A-R to R-50 for a residential subdivision; property located in Land Lot 104 of the 7th District and fronts on Dogwood Trail and Crabapple Lane with conditions as outlined below. Vice Chairman Oddo seconded. The motion passed 5-0.

Commissioner Gibbons moved to approve Petitions 1298-20-D, R. Alexander Family Limited Partnership & Smith Living Trust, Owner, and, Trent Foster, Allegiance Development Group, LLC, request to rezone a total of 90.03 acres from A-R to R-50 for a residential subdivision; property located in Land Lot 104 of the 7th District and fronts on Dogwood Trail and Crabapple Lane with conditions as outlined below. Commissioner Maxwell seconded. The motion passed 5-0.

Commissioner Gibbons moved to approve Petitions 1298-20-E, R. Alexander Family Limited Partnership & Smith Living Trust, Owner, and, Trent Foster, Allegiance Development Group, LLC, request to rezone a total of 90.03 acres from A-R to R-50 for a residential subdivision; property located in Land Lot 104 of the 7th District and fronts on Dogwood Trail and Crabapple Lane with conditions as outlined below. Commissioner Maxwell seconded. The motion passed 5-0.

Commissioner Gibbons moved to approve Petitions 1298-20-F, R. Alexander Family Limited Partnership & Smith Living Trust, Owner, and, Trent Foster, Allegiance Development Group, LLC, request to rezone a total of 90.03 acres from A-R to R-50 for a residential subdivision; property located in Land Lot 104 of the 7th District and fronts on Dogwood Trail and Crabapple Lane with conditions as outlined below. Commissioner Maxwell seconded. The motion passed 5-0.

The following conditions would be required for each petition.

1. That the 7.998 acre A-R cell tower tract be platted as a Minor Final Plat in conjunction with

the Major Final Plat for the proposed subdivision. The Minor Final Plat for the cell tower tract shall illustrate that the cell tower meets the dimension requirements of the new lot.

2. That no lot shall have direct driveway access onto Dogwood Trail. *(This condition will be enforced by the Engineering/Public Works Department.)*
3. That with the exception of the three (3) existing driveways on Crabapple Lane, no new driveways cuts shall be allowed on Crabapple Lane. *(This condition will be enforced by the Engineering/Public Works Department.)*
4. That the developer shall provide a 10-ft wide asphalt multi-use path connecting an internal street of the subdivision to Crabapple Lane. The path shall be within a minimum 20-wide permanent access easement that is provided for public use. Said 10-ft wide asphalt multi-use path and 20-wide permanent access easement shall be indicated on the Major Final Plat. *(This condition will be verified by the Engineering/Public Works Department.)*
5. That a permanent easement be dedicated at no cost to Fayette County for the construction of an approved 2017 SPLOST project. The location shall be adjacent to the twin 72-inch culverts located under Crabapple Road extending onto the subject property. The easement shall begin at the newly dedicated right-of-way line and shall be 40 foot wide (west to east) and 100 foot long (north to south) and centered along the stream. Said permanent easement area shall be depicted on the Major Final Plat and a related permanent easement recorded with the Fayette County Clerk of Courts. *(This condition will be verified by the Environmental Management Department.)*
6. That the buffer and setback along the creek remain as shown on the concept plan provided as a 100-foot buffer and a 50-foot impervious area setback. This is consistent with the environmental planning criteria and Peachtree City's watershed protection buffer requirements. Based on Fayette County's Watershed protection ordinance currently the stream would have a 50-foot buffer with a 25-foot setback. Said buffer and setback shall be indicated on the Major Final Plat. *(This condition will be verified by the Environmental Management Department.)*
6. **Consideration of Petition No. 1299-20, Robert John Bracewell and Christina Celeste Bracewell, Owners, request to rezone 1.515 acres from A-R to R-20 to develop one (1) residential lot; property located in Land Lot 227 of the 13th District and fronts on Kite Lake Road.**

Commissioner Gibbons moved to approve Petition No. 1299-20, Robert John Bracewell and Christina Celeste Bracewell, Owners, request to rezone 1.515 acres from A-R to R-20 to develop one (1) residential lot; property located in Land Lot 227 of the 13th District and fronts on Kite Lake Road. Commissioner Rousseau seconded. The motion passed 5-0.

7. **Consideration of Petition No. 1300-20, George Tchaykov and Diliانا Panova, Owners, request to rezone 1.96 acres from R-70 to O-I to develop a fitness center/tennis instruction facility; property located in Land Lot 57 of the 7th District and fronts on Flat Creek Trail.**

Vice Chairman Oddo moved to approve Petition No. 1300-20, George Tchaykov and Dilianna Panova, Owners, request to rezone 1.96 acres from R-70 to O-I to develop a fitness center/tennis instruction facility; property located in Land Lot 57 of the 7th District and fronts on Flat Creek Trail. Commissioner Gibbons seconded. The motion passed 5-0.

- 8. Consideration of Petition No. 1301-20, Wayne Damron Jr, Trustee for Wayne Damron, Jr Revocable Trust, requests to rezone 21.71 acres from R-20 to A-R; property located in Land Lot 118 of the 5th District and fronts on County Line Road.**

Vice Chairman Oddo moved to approve Petition No. 1301-20, Wayne Damron Jr, Trustee for Wayne Damron, Jr Revocable Trust, requests to rezone 21.71 acres from R-20 to A-R; property located in Land Lot 118 of the 5th District and fronts on County Line Road. Commissioner Gibbons second. The motion passed 5-0.

PUBLIC COMMENT:

CONSENT AGENDA:

Commissioner Gibbons moved to accept the Consent Agenda as written. Vice Chairman Oddo seconded. The motion passed 5-0.

- 9. Approval of staff's recommendation to approve Contract 1900-S to Steelcase, Inc., C/O DeKalb Office Environments, Inc. in the amount of \$50,987.89 to design, supply and install containment partitions at the Fayette County Justice Center and to transfer \$51,000 from the General Fund Contingency for this purpose.**
- 10. Approval of Fayette County Fire & Emergency Services' request to enter an Automatic and Mutual Aid agreement with the City of South Fulton Fire Department.**
- 11. Approval to authorize staff to acquire all fee simple right-of-way and easements for the Veterans Parkway Waterline Loop Completion project.**
- 12. Approval of amendments to Fayette County Code, Chapter 104 Article XIV Post-Development Stormwater Management for New Development and Redevelopment as required by the Georgia Environmental Protection Division and the Metropolitan North Georgia Water Planning District.**
- 13. Approval of the County Clerk's revision to the 2021 County Commissioner Meeting Schedule.**
- 14. Approval of the November 12, 2020 Board of Commissioners Meeting Minutes.**

OLD BUSINESS:

NEW BUSINESS:

- 15. Consideration and approval to amend the Defined Contribution Retirement Plan to allow for the Juvenile Court Judge to participate in the 457(b) plan and to authorize the chairman to sign all associated documents.**

Commissioner Gibbons moved to approve to amend the Defined Contribution Retirement Plan to allow for the Juvenile Court Judge to participate in the 457(b) plan and to authorize the chairman to sign all associated documents. Commissioner Maxwell seconded. The motion passed 5-0.

- 16. Consideration of Chairman Randy Ognio's request to increase the Sheriff's salary \$10,232.66, or 9.09%, to mirror the competitive salary adjustment implemented in FY2019 to all other public safety employees.**

Commissioner Gibbons moved to approve to increase the Sheriff's salary \$10,232.66, or 9.09%, to mirror the competitive salary adjustment implemented in FY2019 to all other public safety employees, and retroactive the salary to the beginning of the 2021 budget year in July 2020. Vice Chairman Oddo seconded. The motion passed 5-0.

17. Consideration of staff's recommendation to acquire a 4.7 acre parcel from the Peachtree City Water and Sewerage Authority that is located on State Route 74 South in Peachtree City along with two (2) access easements for \$71,400.

Vice Chairman Oddo moved to approve staff's recommendation to acquire a 4.7 acre parcel from the Peachtree City Water and Sewerage Authority that is located on State Route 74 South in Peachtree City along with two (2) access easements for \$71,400. Gibbons seconded. The motion passed 5-0.

18. Consideration of the Fayette Chamber's request to approve Resolution 2020-15 in Support of Continuation of the Tax Credit Program for Film and Television Production.

Commissioner Gibbons moved to approve Fayette Chamber's request to approve Resolution 2020-15 in Support of Continuation of the Tax Credit Program for Film and Television Production. Vice Chairman Oddo seconded. The motion passed 5-0.

19. Consideration of the approval to present Resolution 2020-12; in support of the 2021 Policy Agenda of the Association County Commissioners of Georgia (ACCG).

Commissioner Gibbons moved to approve Resolution 2020-12; in support of the 2021 Policy Agenda of the Association County Commissioners of Georgia (ACCG). Vice Chairman Oddo seconded. The motion passed 5-0.

20. Consideration of the approval to present Resolution 2020-13; Fluoride, in the 2020 Legislative Package to the Georgia General Assembly for consideration at its upcoming session.

Commissioner Maxwell moved to approve Resolution 2020-13; Fluoride, in the 2020 Legislative Package to the Georgia General Assembly for consideration at its upcoming session. Commissioner Gibbons seconded. The motion passed 5-0.

21. Consideration of the approval to present Resolution 2020-14; Objection to reducing the state's health care budget during a national pandemic or state of emergency, in the 2020 Legislative Package to the Georgia General Assembly for consideration at its upcoming session. Commissioner Rousseau has requested to remove this item from the agenda.

Commissioner Rousseau moved to remove this item from the agenda. Chairman Ognio seconded. The motion passed 5-0.

22. Consideration of the appointment of an elected official, or their designee, to the Transportation Committee with a term beginning January 1, 2021.

Commissioner Maxwell moved to table. The motion passed 5-0.

ADMINISTRATOR'S REPORTS:

County Administrator Steve Rapson advised that an updated "Hot Projects" listing was sent out via email to the Board to keep them abreast of the status of various projects throughout the county,

Mr. Rapson stated that he need a selection committee for the Joint Development Authority.

Chairman Ognio moved to appoint Commissioner Maxwell and Commissioner Gibbons to serve as the selection committee for the Joint Development Authority. Vice Chairman Oddo seconded. The motion passed 5-0.

ATTORNEY'S REPORTS:

Notice of Executive Session: County Attorney Dennis Davenport stated there were six items for executive session. There was two item of real estate acquisition, two item of threatening litigation, one item of pending litigation, and the review of the November 12, 2020 Executive Session Minutes for consideration in Executive Session.

COMMISSIONERS' REPORTS:

Vice-Chairman Oddo, Commissioner Gibbons, Commissioner Maxwell, Commissioner Rousseau, and Chairman Ognio made comments.

EXECUTIVE SESSION:

Two item of real estate acquisition, two item of threatening litigation, one item of pending litigation, and the review of the November 12, 2020 Executive Session Minutes for consideration in Executive Session. Vice Chairman Oddo moved to go into Executive Session. Commissioner Gibbons seconded. The motion passed 5-0.

The Board recessed into Executive Session at 4:10 p.m. and returned to Official Session at 4:46 p.m.

Return to Official Session and Approval to Sign the Executive Session Affidavit: Chairman Ognio moved to return to Official Session and for the Chairman to sign the Executive Session Affidavit. Vice Chairman Oddo seconded the motion. The motion passed 5-0.

Mr. Davenport advised the Board of the Mabe Workers Compensation Settlement.

Commissioner Gibbons moved to approve the Mabe Workers Compensation Settlement in the amount of \$19,000 as outlined by the County Attorney. Chairman Ognio seconded. The motion passed 5-0.

Approval of the November 12, 2020 Executive Session Minutes: Chairman Ognio moved to approve the November 12, 2020 Executive Session Minutes. Vice Chairman Oddo seconded the motion. The motion passed 5-0.

ADJOURNMENT:

Chairman Ognio moved to adjourn the December 10, 2020 Board of Commissioners meeting. Vice Chairman Oddo seconded the motion. The motion passed 5-0.

The December 10, 2020 Board of Commissioners meeting adjourned at 4:48 p.m.

Marlena M. Edwards, Chief Deputy County Clerk

Randy C. Ognio, Chairman

The foregoing minutes were duly approved at an official meeting of the Board of Commissioners of Fayette County, Georgia, held on the 14th day of January 2021. Documents are available upon request at the County Clerk's Office.

Marlena M. Edwards, Chief Deputy County Clerk